

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS F. HOFFNER, JR.,

Defendants.

3:11-cr-00022-LRH-VPC

ORDER

Before the court is defendant Thomas F. Hoffner, Jr.'s motion under 28 U.S.C. § 2255 to correct a sentence by a person in federal custody.

Hoffner's motion contends that the court erred in imposing a consecutive prison sentence upon him in this action to his current sentence on his previously imposed conviction in the Eastern District of Pennsylvania.

Hoffner's motion will be denied. The issue concerning consecutive or concurrent sentence was a primary issue presented at Hoffner's sentencing hearing. Hoffner's argument in support of his motion presents nothing new and, in fact, only repeats arguments raised by his counsel at the sentencing before this court. The issue of consecutive versus concurrent sentence was a matter which was clearly within the court's discretion under the circumstances present before the court.

Good cause appearing, defendant Hoffner's motion to correct sentence is DENIED.

DATED this 16th day of April, 2012.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE